

IFW

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May 15, 2005

Senator Robert C. Byrd
311 Hart Building
Washington, D.C. 20510

Senator Robert C. Byrd
300 Virginia Street East, Suite 2630
Charleston, WV 25301

✓ Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Senator Byrd,

Thank you for reading our letter. We are writing to ask for your help due to the way we have been treated by the United States Patent and Trademark Office (USPTO).

We are in the process of applying for a patent (application number 10/601,536). We submitted the required paperwork and were assigned an Examiner (Mr. Shih-yung Hsieh-Art Unit 2837) in June, 2003. Mr. Hsieh reviews the paperwork for any changes that might be required before a patent number can be assigned.

Mr. Hsieh sent a report (see document 1) as to what needed reworked on the required paperwork to be compliant and for the invention to be

granted a patent number. Only two sections, (1) *Brief Description of Several View(s) of the Drawings* and (2) *Detailed Description of the Invention* needed correcting. Mr. Hsieh recommended the assistance of a draftsman and legal assistance to help with these two sections. In addition, Mr. Hsieh suggested we review the patent by Purdie (U. S. Patent Number 4998959) and use it as a guide for correcting the two sections.

We followed Mr. Hsieh's instructions and with the help of a draftsman, legal assistance and a physicist from the local university, the required paperwork with the recommended corrections were resubmitted in April, 2005.

Shortly after we submitted the required corrected paperwork we received another letter with Mr. Hsieh's signature from the USPTO (see document 2) that had the same dates and recommendations for corrections as the letter from USPTO that was sent to us approximately a month before.

Being a bit confused, we called Mr. Hsieh (May 3, 2005 - 9:15 a.m.) and spoke with him asking why we received a letter from him with the same request for corrections and dated the same as the previous letter. He denied sending the letter.

Mr. Hsieh then spoke as to the problems with the corrections. First he said that the two corrected sections, *Brief Description of Several View(s) of the Drawings* and *Detailed Description of the Invention* were not elaborate enough. Then, after speaking with him for about five or so minutes longer he said the two sections were too defined and engineer-like in nature, just the opposite of not elaborate enough.

We then asked if he even saw the corrections to the sections since the corrections followed the same format as the patent (Purdie) which

he recommended following as a guide.

He then said he had not seen the corrections to the two sections and it has to go through another department which he referred to "as going through the machine" before it gets to him.

Needless to say the conversation was disturbing, considering Mr. Hsieh just spent time telling us in a flip-flop manner he had reviewed it. Unable to get a stable answer, we requested to speak to his Supervisor and were put on hold. We left a message (on May 3, 2005) for the Supervisor, (Mr. Martin) to please call us. He never returned the call. We then called Mr. Martin a second time (the following week) and left a message for him to please call us. As of yet he has not responded even though he has been contacted twice.

The more time it takes to complete the required paperwork the more money the USPTO charges. The more time it takes to get a patent number the longer it takes to get the product to market. We cannot help but feel that we are being taken advantage of.

To give an idea to the invention's simplicity, it is urethane foam (like that found in weather-stripping) shaped into a ring that can be placed on the bell of a musical instrument (ex:trumpet) to dampen the sound. It is amazing that with the help of a draftsman, legal assistance, a physicist and two dissertation level doctors, the patent application still is not acceptable according to Mr. Hsieh.

We ask for your help to get the USPTO to approve our application and assign us the patent number that we justifiably deserve for our invention.

Thank you for your time and valuable assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark M. Shellhammer", written in a cursive style.

Dr. Mark M. Shellhammer

A handwritten signature in black ink, appearing to read "E. Jane Shellhammer", written in a cursive style.

Dr. E. Jane Shellhammer

~~MAY 19 2005~~

Applicant(s)

SHELLHAMMER ET AL.

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 3/2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☒ C. Other detailed description of the invention not amended as required.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- ☒ C. Other formal drawings are required, and all structural limitations recited in the claims must be shown.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

SHIH-YUNG HSIEH

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/601,536	SHELLHAMMER ET AL.	
	Examiner	Art Unit	
	Shih-yung Hsieh	2837	

All Participants:

(1) Shih-yung Hsieh.

(2) Mark M. Shellhammer.

Status of Application: _____

(3) _____

(4) _____

Date of Interview: 15 March 2005

Time: _____

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

none

Claims discussed:

none

Prior art documents discussed:

Purdie

Part II.
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

the applicant is advised that the amendment to the specification and the drawings are not proper, and suggested to seek the assistance of an attorney and professional draftsman

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
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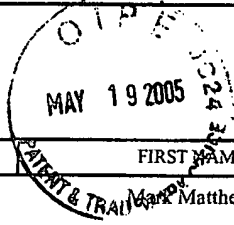

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,536	06/24/2003	Mark Matthew Shellhammer		5755

7590 03/21/2005
Mark M. Shellhammer
135 Hall St.
Clarksburg, WV 26301

EXAMINER
HSIEH, SHIH YUNG

ART UNIT 2837
PAPER NUMBER

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Non-Compliant
Amendment (37 CFR 1.121)

Application No.

10/601,536

Examiner

Shih-yung Hsieh

Applicant(s)

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SHIH-YUNG HSIEH

Examiner-Initiated Interview Summary



Application No.

10/601,536

Applicant(s)

SHELLHAMMER ET AL.

Examiner

Shih-yung Hsieh

Art Unit

2837

All Participants:

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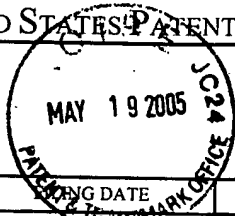
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Shih-yung Hsieh
(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)



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Mark M. Shellhammer
135 Hall St.
Clarksburg, WV 26301

EXAMINER	
HSIEH, SHIH YUNG	
ART UNIT	PAPER NUMBER
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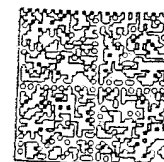
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